

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket No. SRPD 99/00 NNS-2037
)	
Sun Microsystems)	ENFORCEMENT ORDER
1430 California Circle)	
Milpitas, CA 95053)	
)	
EPA ID No. CAD982508780)	
Respondent.)	Health and Safety Code
)	Section 25187

INTRODUCTION

1.1. **Parties.** The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Sun Microsystems (Respondent).

1.2. **Site.** Respondent generates, handles, treats, and/or stores hazardous waste at the following site: 1430 California Circle, Milpitas, CA (Site).

1.3. **Hazardous Waste Authorization.** The Respondent was authorized to operate pursuant to a Permit By Rule on May 4, 1994.

1.4. **Jurisdiction.** Section 25187 of the Health and Safety Code (HSC) authorizes the Department to order corrective action and assess a penalty when the Department determines that any person has violated specified provisions of the HSC, or any related permit, rule, regulation, standard, or requirement.

DETERMINATION OF VIOLATIONS

2. The Department has determined that the Respondent violated HSC, section 25200.14(b)(1) in that Respondent failed to complete and file a phase I environmental assessment with the Department by January 1, 1997.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing DETERMINATION OF VIOLATIONS, IT IS HEREBY ORDERED THAT:

3.1.1. Respondent submitted to the Department a completed DTSC Form #1151 (Tiered Permitting phase I environmental assessment checklist) as specified in HSC, section 25200.14(b) on October 25, 1999.

3.2. **Submittals.** All submittals from a Respondent pursuant to this Order shall be sent to:

Charles A. McLaughlin, Chief
Northern California Branch
State Regulatory Program Division
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, California 95827-2106

3.3. **Communications.** All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the State Regulatory Programs Division Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports,

plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

PENALTY

4. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$8,000. Payment is due within 30 days from the effective date of this Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
400 P Street, 4th Floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Charles A. McLaughlin, Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, California 95827-2106

RIGHT TO A HEARING

5. You may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

6. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to you, unless you request a hearing within the twenty-day period.

TIME PERIODS

7. "Days" for purposes of this Order means calendar days.

Date of Issuance

22 Dec 1999



Charles A. McLaughlin, Chief
Northern California Branch
State Regulatory Program Division
Department of Toxic Substances Control